

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION**

G&H DIVERSIFIED MANUFACTURING, LP
Plaintiff/Counterclaim-Defendant,

and

YELLOW JACKET OIL TOOLS, LLC
Counterclaim-Defendant

v.

DYNAENERGETICS EUROPE GMBH and
DYNAENERGETICS US, INC.,
Defendants/Counterclaim-Plaintiffs.

Civil Action No: 3:20-CV-376

Jury Trial Demanded

**DYNAENERGETICS' NOTICE OF JOINDER IN REQUEST TO
SEVER YELLOW JACKET CLAIMS AND TRANSWER G&H
CLAIMS TO THE WESTERN DISTRICT OF TEXAS**

Defendants/Counterclaim-Plaintiffs DynaEnergetics Europe GmbH and DynaEnergetics US, Inc. (collectively, "DynaEnergetics") hereby join in the Notice of Federal Circuit Ruling on Petition for Mandamus filed by G&H Diversified Manufacturing, LP ("G&H") (Dkt. No. 71) as follows.

First, DynaEnergetics agrees with G&H's request to transfer G&H's case to the Western District of Texas for consolidation with the case pending there filed by DynaEnergetics.

Second, DynaEnergetics agrees with G&H's request for the Court to sever Yellow Jacket from this case prior to the above-requested transfer. Once the Yellow Jacket claims are severed, DynaEnergetics further requests that the Court lift the stay in the severed Yellow Jacket case to allow the parties to complete briefing on the dismissal issue.¹

Dated: September 28, 2021

Respectfully submitted,

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By: /s/ Barry J. Herman
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¹ Yellow Jacket has not filed a response to DynaEnergetics' motion to dismiss in this case because of the stay. Similarly, based on the parties' agreement, DynaEnergetics has not filed a reply to Yellow Jacket's response to DynaEnergetics' motion to dismiss filed in the other pending Yellow Jacket case, which was transferred from the WDTX to the SDTX Houston Division and subsequently transferred to the SDTX Galveston Division. *DynaEnergetics Europe GmbH et al v. Yellow Jacket Oil Tools, LLC*, C.A. No. 3:21-cv-00240 (S.D. Tex.). Severing the claims against Yellow Jacket will, therefore, allow the parties to complete the dismissal briefing in both matters without delaying the transfer of the claims against G&H.

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CERTIFICATE OF SERVICE

I hereby certify that on September 28, 2021, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing *via* electronic mail to all counsel of record.

/s/ Megan C. Moore

Megan C. Moore